

Exhibit A

STATE OF MICHIGAN
THIRD CIRCUIT COURT

CASE NO.

09-021601-CH

SUMMONS AND
RETURN OF SERVICECOURT
ADDRESS: 2 WOODWARD AVENUE, DETROIT, MICHIGAN 48226COURT
TELEPHONE NO. (313) 224-

THIS CASE ASSIGNED TO JUDGE:

Isidore Torres

Bar Number: 28455

PLAINTIFF

DEFENDANT

Gross, Cornelius E

VS

WELLS FARGO HOME MORTGAGE INC

PLAINTIFF'S ATTORNEY

Land, Ivan L.
(P-65879)
25900 Greenfield Rd Ste 210
Oak Park, MI 48237-1267
(248) 968-4545

CASE FILING FEE

Paid

JURY FEE

No Jury Demand

ISSUED

09/01/2009

THIS SUMMONS EXPIRES

12/01/2009

DEPUTY COUNTY CLERK

Ericka Chenault

*This summons is invalid unless served on or before its expiration date.

Cathy M. Garrett - Wayne County Clerk

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

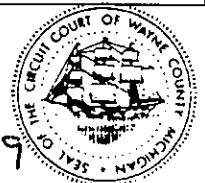
1. You are being sued.
 2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
 3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.
- ☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- ☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The docket number and assigned judge of the civil/domestic relations action are:

Docket no.	Judge	Bar no.

The action ☐ remains ☐ is no longer pending.

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

9/2/09
DateIvan L. Land P65879
Signature of attorney/plaintiff**COMPLAINT IS STATED ON ATTACHED PAGES. EXHIBITS ARE ATTACHED IF REQUIRED BY COURT RULE.**

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangement.

FORM NO. WC101
REV. (3-98) MC 01 (01/97)**SUMMONS AND RETURN OF SERVICE**

MCR 2.102(B)(11), MCR 2.104, MCR 2.107, MCR 2.113(C)(2)(a), (b), MCR 3.206 (A)

DEFENDANT

RETURN OF SERVICE

Case No. _____

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE

☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notary not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notary required)

- ☐ I served personally a copy of the summons and complaint,
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with _____

List all documents served with the Summons and Complaint

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

☐ After diligent search and inquiry, I have been unable to find and serve the following defendant(s):

I have made the following efforts in attempting to serve the defendant(s): _____

☐ I have personally attempted to serve the summons and complaint, together with _____

Attachment

on _____

Name

at _____ and have been unable to complete service because

Address

the address was incorrect at the time of filing.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
 Date

My commission expires: _____

Date

Signature: _____

Deputy court clerk/Notary public

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____

Attachments

on _____

Day, date, time

on behalf of _____

Signature

STATE OF MICHIGAN
IN THE WAYNE COUNTY CIRCUIT COURT

CORNELIUS E. GROSS,
an individual,
Plaintiff,

Gross, Cornelius E v WELLS FARGO
Hon. Isidore Torres 09/01/2009



09-021601-CH

v

WELLS FARGO HOME MORTGAGE, INC.,
a foreign corporation, and
LENDER PROCESSING SERVICES, INC.,
a foreign corporation,
Defendants.

Ivan L. Land (P65879)
Law Offices of Ivan L. Land, P.C.
Attorney for Plaintiff
25900 Greenfield Rd., Suite 210
Oak Park, MI 48237-1267
(248) 968-4545 / (f) (248) 968-4540

COMPLAINT

There is no other pending or resolved civil action arising out of the same transaction or occurrences alleged in this complaint.

JURISDICTION ALLEGATIONS

1. Plaintiff, Cornelius Gross ("Plaintiff"), is a resident of Wayne County, MI.
2. Defendant, Wells Fargo Home Mortgage, Inc., (hereinafter "Defendant Wells Fargo"), is a foreign corporation who conducts business in Wayne County, MI.

3. Defendant, Lender Processing Services, Inc., (hereinafter "Defendant LPS"), is a foreign corporation who conducts business in Wayne County, MI and at all times during this cause of action was an agent of Defendant Wells Fargo.
4. Jurisdiction in this matter is proper as the amount in controversy is more than \$25,000.
5. Venue is proper in this matter as the property in question is located in Wayne County, MI with an address of: 6700 Peidmont Detroit, MI 48228.

GENERAL ALLEGATIONS

6. Plaintiff purchased the subject property in November of 1997, and gave Defendant Wells Fargo a mortgage to finance the purchase.
7. On June 25, 2008, Defendant Wells Fargo conducted a sheriff's sale on the property.
8. According to MCL 600.3240(8), Plaintiff has 6 months to redeem his property before he can be evicted.
9. Upon information and belief, Defendant Wells Fargo instructed Defendant LPS to enter the property without court order or any lawful permission to do so on December 5, 2008.
10. Upon entering the property, Defendant Wells Fargo instructed Defendant LPS to dispose of the Plaintiff's personal property and change the locks.
11. Defendant Wells Fargo failed to file for a summary proceedings hearing in the 36th District Court prior to evicting the Plaintiff as required by Michigan law.
12. Plaintiff had planned to redeem the property before the 6 months redemption period was to expire on December 25, 2008.
13. Plaintiff was not able to redeem the property because of both Defendants' actions.
14. Plaintiff has been damaged by the Defendants' actions.

COUNT I

CONVERSION (Defendants Wells Fargo and LPS)

15. Plaintiff incorporates the above-referenced paragraphs.
16. Defendant Wells Fargo instructed Defendant LPS to enter the Plaintiff's property for the purpose of an eviction and Defendant LPS did remove Plaintiff's personal property without Plaintiff's permission or without any lawful permission to do so.
17. Plaintiff and his family's personal property was disposed of by Defendant LPS.
18. Defendant Wells Fargo and Defendant LPS has refused to return the property to the Plaintiff.
19. Defendants' acts constitute an unlawful conversion of Plaintiff's property resulting in damages to the Plaintiff.

COUNT II

TRESPASS (Defendant LPS)

20. Plaintiff incorporates the above-referenced paragraphs.
21. Defendant LPS trespassed upon the Plaintiff's property without Plaintiff's knowledge or permission.
22. While trespassing, Defendant LPS removed Plaintiff's personal property and disposed of it.
23. While trespassing, Defendant LPS damaged Plaintiff's real property.
24. Defendant's actions have damaged Plaintiff including but not limited to diminution in the value of the Plaintiff's real property, loss of Plaintiff's personal property, and other damages that flow naturally and consequently from Defendant's trespass.

COUNT III

WRONGFUL EVICTION (Defendants Wells Fargo and LPS)

25. Plaintiff incorporates the above-referenced paragraphs.
26. Defendant Wells Fargo instructed Defendant LPS to enter Plaintiff's property without consent or court order.
27. Defendant LPS removed all of Plaintiff's personal property and disposed of it.
28. Defendant LPS placed lock boxes on the Plaintiff's property so that entry could not be gained.
29. Plaintiff is entitled to treble damages because of both Defendants' actions pursuant to MCL 600.2919.

COUNT IV

VICARIOUS LIABILITY (Defendant Wells Fargo)

30. Plaintiff incorporates the above-referenced paragraphs.
31. Defendant Wells Fargo is liable for the actions of Defendant LPS.
32. Defendant Wells Fargo failed in these respects:
 - (a) Failure to provide its agents continuing education in the execution of court ordered writs of restitution.
 - (b) Failure to properly perform the correct summary proceedings.
 - (c) Failure to train its agents in how to properly conduct an eviction.

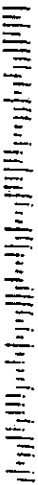
PLAINTIFF REQUEST that this honorable court enter judgment in Plaintiff's favor and against the Defendants for damages, court costs, interest, and attorney fees together with other equitable or legal relief to which the court deems he may be entitled under the circumstances.

Dated: September 1, 2009



Ivan L. Land (P65879)
Law Offices of Ivan L. Land, P.C.
Attorney for Plaintiff
25900 Greenfield Rd., Suite 210
Oak Park, MI 48237-1267
(248) 968-4545 / (f) (248) 968-4540

es of Ivan L. Land, P.C.

TICKET AT TOP OF ENVELOPE TO THE RIGHT
RETURN ADDRESS FOLD AT DOTTED LINE

CERTIFIED MAIL



7006 0810 0006 1690 1151



1000

U.S. POSTAGE
PAID
SOUTHFIELD, MI
48037
SEP 02, 09
AMOUNT

\$6.15

00040819-07

WELLS FARGO
HOME MORTGAGE, INC.
601 ABBOTT RD
EAST LANSING, MI 48223

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